



#6/election
12-3-02
JHO

Docket No.: 57810-033

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Nobuhiko HAYASHI, et al.

Serial No.: 10/084,050

Filed: February 28, 2002

For: NITRIDE-BASED SEMICONDUCTOR ELEMENT AND METHOD OF FORMING
NITRIDE-BASED SEMICONDUCTOR

Group Art Unit: 2812

Examiner: D. Le

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

Sir:

In the Office Action dated October 2, 2002, the Examiner imposed a Restriction Requirement pursuant to 35 U.S.C. §121, requiring election of one of the following:

Group I. Claims 1 through 11 directed to a device; or

Group II. Claims 12 through 28 directed to a method.

In response, Applicants elect to prosecute claims 1 through 11 directed to a device (Group I). Favorable consideration of claims 1 through 11 is respectfully solicited.

Applicants also solicit rejoinder of non-elected method claims 12 through 28, upon the determination of an allowable device claim, pursuant to the provisions of MPEP§821.04.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

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extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Arthur J. Steiner
Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 AJS:ntb
Facsimile: (202) 756-8087
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